

JD:JPL  
F. #2016R01248

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

17M121

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UNITED STATES OF AMERICA

FILED UNDER SEAL

- against -

JOYCE ANN COHEN,  
also known as "Sara Werberger"  
and "Sarah Werczberger,"

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR AN ARREST WARRANT

(T. 18, U.S.C., §§ 371, 641 and 1542)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

GEORGE E. SHABOUK, being duly sworn, deposes and says that he is a  
Special Agent with the United States Department of State, Diplomatic Security Service  
("DSS"), duly appointed according to law and acting as such.

COUNT ONE

(Conspiracy to Commit Social Security Benefits Fraud)

Upon information and belief, from in or about and between February 1994 and  
February 2017, within the Eastern District of New York and elsewhere, the defendant  
JOYCE ANN COHEN, also known as "Sara Werberger" and "Sarah Werczberger,"  
together with others, did knowingly and willfully conspire to commit an offense against the  
United States, to wit: in a matter within the jurisdiction of the Social Security  
Administration, having knowledge of the occurrence of an event affecting COHEN's initial  
and continued right to receive payment of Supplemental Security Income benefits payments,

concealed and failed to disclose such event with the intent fraudulently to secure such benefits payments in a greater amount and quantity than was due and when no such benefits payments were authorized, contrary to Title 42, United States Code, Section 1383a(a)(3).

(Title 18, United States Code, 371)

COUNT TWO  
(Passport Fraud)

Upon information and belief, from in or about and between June 2015 and July 2016, within the Eastern District of New York and elsewhere, the defendant JOYCE ANN COHEN, also known as “Sara Werberger” and “Sarah Werczberger,” did willfully and knowingly (i) make one or more false statements in one or more applications for a passport with intent to induce and secure the issuance of a passport under the authority of the United States, for her own use, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, and (ii) use and attempt to use a passport, the issuance of which was secured by reason of a false statement.

(Title 18, United States Code, Section 1542)

COUNT THREE  
(Theft of Government Funds – Federal Housing Subsidies)

Upon information and belief, from in or about and between March 2005 and February 2017, within the Eastern District of New York [and elsewhere, the defendant JOYCE ANN COHEN, also known as “Sara Werberger” and “Sarah Werczberger,” did knowingly and willfully (i) embezzle, steal, purloin, and covert to her use and the use of another, vouchers, money and things of value of the United States and a department and an agency thereof and (ii) receive, conceal, and retain the same with intent to convert it to her use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit:

federal housing subsidies from the United States Department of Housing and Urban Development, the value of which exceeded \$1,000.

(Title 18, United States Code, Section 641)

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I have been a Special Agent of the DSS for approximately 8 years. Throughout my career as a law enforcement officer, I have personally participated in numerous investigations, the executions of numerous search and arrest warrants, and the debriefing of witnesses, all related to various types of financial and immigration crimes and fraud. Among other federal crimes, I have investigated offenses involving false statements in the application and use of passports, forgery or false use of passports, mail and wire fraud, social security fraud and theft of government funds and property.

2. In addition to my training and experience, I am familiar with the information contained in this complaint and affidavit based upon (i) my own personal participation in this investigation, (ii) my review of documents, records, and reports, (iii) an interview of the defendant JOYCE ANN COHEN, also known as "Sara Wercberger" and "Sarah Werczberger," and (iv) discussions with other law enforcement personnel including Special Agents of the Social Security Administration, Office of Inspector General ("SSA-OIG"); Special Agents of the Federal Bureau of Investigation ("FBI"); and Special

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<sup>1</sup> Because the purpose of this complaint and affidavit is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware. In addition, where I describe statements made by others, including by the defendant, I am describing those statements in sum and substance, and in part, unless otherwise indicated.

Investigators of the New York City Department of Investigation, New York City Housing Authority (“NYCHA”), Office of Inspector General (“NYCHA-OIG”) and the New York City Department of Investigation, New York City Health and Hospitals Corporation (“NYCHHC”), Office of Inspector General (“NYCHHC-OIG”).

I. Background

3. Since approximately 2015, the DSS, along with the SSA-OIG, FBI, NYCHA-OIG and NYCHHC-OIG has been investigating the defendant JOYCE ANN COHEN, also known as “Sara Werberger” and “Sarah Werczberger,” for various types of theft, fraud, and making false statements, among other crimes, all in connection with obtaining and retaining benefits and other things of value from governmental programs to which she was not entitled. As described in greater detail below, in furtherance of many of these crimes, COHEN has maintained two separate identities for decades: first, “Joyce Cohen,” who purportedly cannot work due to disability and collects and retains various governmental benefits; and second, “Sara Werberger” or “Sarah Werczberger” who actually maintains employment and earns wages as a professional registered nurse.

A. Joyce Cohen and the Cohen SSN

4. On or about October 11, 1956, the defendant JOYCE ANN COHEN, also known as “Sara Werberger” and “Sarah Werczberger,” was born in Toledo, Ohio. COHEN’s birth name was Joyce Ann Smith.

5. On or about June 21, 1972, a social security card and number were issued in the defendant COHEN’s birth name, “Joyce Ann Smith,” number ending 7282 (the “Cohen SSN”). On or about January 24, 1979, an application was submitted to the Social Security Administration to change the name of record relating to the Cohen SSN to “Joyce

A. Cohen.” The current name associated with the Cohen SSN is “Joyce Cohen” (no middle name or initial).

B. The Sara Werberger Identity and the Werberger SSN

6. Based on records and information obtained from the United States Customs and Immigration Services, on or about January 21, 1972, a person named “Sara Werberger” entered the United States. Ms. Werberger was born in Israel on or about June 21, 1953. Based on immigration records, prior to her entry into the United States from Israel, Ms. Werberger and Co-Conspirator #1, whose identity is known to your deponent (“CC-1”), were married to each other.

7. On or about March 7, 1975, a social security card and number were issued in the name, “Sara Werberger,” number ending 5594 (the “Werberger SSN”).

8. In or about May 1990, COHEN and CC-1 were married to each other in Brooklyn, New York.<sup>2</sup> By operation of their marriage, COHEN changed her name from “Joyce Cohen” to “Joyce Werczberger.”

9. In or about December 1991, COHEN filed a petition in the Civil Court of Kings County to change her name from “Joyce Werczberger” to “Sarah Werczberger.” On or about January 3, 1992, the requested name change was granted.<sup>3</sup>

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<sup>2</sup> As of the date of the filing of this affidavit, I am not aware of any official divorce or separation between CC-1 and the Israeli-born “Sara Werberger.”

<sup>3</sup> On or about September 2, 2016, an Order was entered in the Civil Court of New York County granting leave to COHEN to change her name from “Sarah Werczberger” to “Joyce Ann Cohen.” Accordingly, it appears that COHEN’s legal name from approximately January 1992 until September 2016 was “Sarah Werczberger,” but is currently “Joyce Ann Cohen.”

10. On or about August 24, 1993, an application was submitted to the Social Security Administration to change the date of birth associated with the Werberger SSN from June 21, 1953 to November 10, 1956 (COHEN's date of birth). Thus, since approximately August 24, 1993, the dates of birth associated with both the Cohen SSN and Werberger SSN have been the same. As described in greater detail below, CC-1 provided the Werberger SSN to COHEN.<sup>4</sup>

## II. Social Security Fraud

11. As set forth in greater detail below, there is probable cause to believe that the defendant JOYCE ANN COHEN, also known as "Sara Werberger" and "Sarah Werczberger," has fraudulently obtained more than \$168,500 in Social Security benefits payments to which she was not entitled.

12. On or about February 19, 1994, an application for Supplemental Security Income ("SSI") was received by the Social Security Administration in connection with the Cohen SSN (the "SSI Application"). In the SSI Application, the defendant JOYCE ANN COHEN, also known as "Sara Werberger" and "Sarah Werczberger," claimed that she was disabled and that her impairments included "major depression," "cocaine abuse" and "borderline intellect." Additionally, in connection with the application, COHEN claimed

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<sup>4</sup> The SSA-OIG recently learned that in or about January 2017, certain changes were made to the Werberger SSN including that the date of birth associated with the Werberger SSN reverted back to the date of birth associated with the Israeli-born Sara Werberger. During the course of this investigation, I have learned that COHEN and CC-1 have recently separated and based on what I have learned during the course of this investigation, along with my training and experience, I believe that this may be part of an attempt by CC-1 to isolate COHEN as part of their marital dispute.

that the highest grade of school she completed was 10<sup>th</sup> grade and that she had no work history.

13. However, this investigation has revealed that COHEN has actually been a licensed and practicing registered nurse since approximately 1988. For example, I have learned the following:

- a. In or about June 1987, COHEN graduated from the City University of New York, Kingsborough Community College, with an Associate Degree of Applied Sciences in nursing;
- b. In or about March 1988, COHEN became licensed by the State of New York Education Department ("NYSED") as a Registered Professional Nurse ("RN") and since that time has regularly worked as such;
- c. From in or about and between 1991 and 1997, COHEN was employed as a staff nurse in the surgical intensive care unit of a Brooklyn-based hospital;
- d. More recently, since in or about and between 2006 until the present, COHEN has been employed by the NYCHHC as a staff nurse at another Brooklyn-based hospital;<sup>5</sup> and
- e. Based on publicly available NYSED database records, as of the date of the filing of this affidavit, her NYSED registration as an RN is currently active under the name "Sarah Werczberger."

The SSI Application is signed "Joyce Cohen" and she provided a Brooklyn-based post office box as her mailing address (the "Cohen P.O. Box").

14. On or about August 1, 1994, in connection with the SSI Application, CC-1 submitted a request "that the Supplement Security Income Benefits for JOYCE COHEN be paid to me as representative payee." In this request, CC-1 identified himself as

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<sup>5</sup> According to information obtained by the NYCHHC-OIG, although COHEN continues to be employed by the NYCHHC, she has been on leave since approximately June 2016.

“the FRIEND of JOYCE COHEN,” and stated, in part, that: “JOYCE COHEN needs a payee because she is mentally retarded.” The request appears to be signed and affirmed to be true by CC-1.

15. In or about August 1994, the SSI Application was granted and the Social Security Administration began making monthly disability payments to CC-1 for the benefit of COHEN using the Cohen SSN.

16. For the years ending 2014, 2015 and 2016, the Social Security Administration paid approximately \$8,884, \$8,771 and \$8,796, respectively, in disability payments to CC-1 for the benefit of “Joyce Cohen.”<sup>6</sup> However, for the calendar years 2014, 2015 and 2016, COHEN, using the names “Sara Werberger” and “Sarah Werczberger,” and the Werberger SSN, also received gross employee earnings of more than \$57,500, \$77,500 and \$43,000, respectively, from the NYCHHC.

17. Based on my review of bank records obtained during the course of this investigation, the defendant COHEN and CC-1 appear to have shared at least three bank accounts. All of these joint-account signature cards, which were executed in or about and between February 2012 and July 2013, appear to be signed by COHEN, in the name “Sara Werberger,” and by CC-1. Two of these signature cards list COHEN’s occupation as a nurse. COHEN also appears to have received wages from the NYCHHC in some of these shared bank accounts, for example:

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<sup>6</sup> The fiscal year for social security disability payments begins on September 1 and ends on August 31 (e.g., the year ending 2016 began on September 1, 2015 and ended on August 31, 2016).



a. From approximately March 2012 through March 2013, COHEN received more than \$54,000 in direct deposit “payroll” payments from the NYC/HHC Brooklyn-based hospital into a joint checking account at Investors Bank held in names used by COHEN and CC-1, and at the Cohen P.O. Box, account number ending 4042; and

b. From approximately January 2014 through September 2014, COHEN received more than \$36,000 in direct deposit “payroll” payments from the NYCHHC Brooklyn-based hospital into a joint checking account at Investors Bank held in names used by COHEN and CC-1, and at the Cohen P.O. Box, account number ending 8088.

18. From approximately 1994 through 2016, the defendant JOYCE ANN COHEN, also known as “Sara Werberger” and “Sarah Werczberger,” and CC-1, using the Cohen SSN and based upon the SSI Application, have received, or been the beneficiary of, more than \$168,500 in SSI benefits payments. As of February 2017, the monthly SSI benefits payment for the Cohen SSN was approximately \$735 per month.

19. Finally, as described in greater detail below, I have spoken with COHEN and she has admitted that she works as a nurse under the name “Sara Werberger” but receives social security benefits under the name “Joyce Cohen.”

### III. Passport Fraud

20. Based upon records obtained from the State Department, the defendant JOYCE ANN COHEN, also known as “Sara Werberger” and “Sarah Werczberger,” has applied for, obtained, and used United States passports associated with both the Cohen SSN and the Werberger SSN.

21. On or about June 8, 2015, COHEN submitted an application for the renewal of a United States passport under the name “Joyce Ann Cohen” (the “Cohen

Passport Application”).<sup>7</sup> The application listed the Cohen SSN, a particular Brooklyn-based street address as her mailing address (the “Cohen Street Address”), and identified COHEN’s occupation as “unemployed.” A photograph of COHEN was attached to the Cohen Passport Application and the application appears to have been signed “Joyce Cohen” under penalty of perjury. On or about June 27, 2015, a passport, number ending 0379 (the “Cohen Passport”), was issued to the defendant at the Cohen Street Address.

22. On or about July 27, 2015, COHEN submitted an application for the renewal of a United States passport under the name “Sara Werberger” (the “Werberger Passport Application”).<sup>8</sup> The application listed the Werberger SSN, the Cohen P.O. Box, and identified COHEN’s occupation as a “registered nurse.” A photograph of COHEN was attached to the Werberger Passport Application and the application appears to have been signed “Sara Werberger” under penalty of perjury. However, based, in part, on computer-detected similarities between the photographs attached to the Cohen Passport Application and the Werberger Passport Application, no passport was issued based upon the Werberger Passport Application.

23. I have personally reviewed both the Cohen Passport Application and the Werberger Passport Application. The photographs attached to those applications appear to be of the same person, the defendant JOYCE ANN COHEN, also known as “Sara Werberger” and “Sarah Werberger.”

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<sup>7</sup> A passport was previously issued to COHEN in or about March 2005, using the name “Joyce Ann Cohen” and the Cohen SSN.

<sup>8</sup> A passport was previously issued to COHEN in or about August 2005, using the name “Sara Werberger” and the Werberger SSN.

24. On or about May 22, 2016, the defendant JOYCE ANN COHEN, also known as "Sara Werberger," was booked under the name "Joyce Cohen" and scheduled to travel aboard United Airlines flight UA84 departing from Newark, New Jersey for Tel Aviv, Israel. On that date, COHEN checked in for her flight and presented the Cohen Passport to U.S Customs and Border Patrol officers who then contacted Special Agents of the DSS.

25. That day, COHEN agreed to a voluntary interview with Special Agents of the DSS, including your deponent. During the interview, COHEN was advised and acknowledged that, among other things, she was free to leave at any time. She also declined to have a lawyer present and provided a written statement. COHEN signed the statement in the name "Sara Werberger."

26. In her statement, the defendant JOYCE ANN COHEN, also known as "Sara Werberger" and "Sarah Werczberger," wrote in sum and substance, and in part, that she applied for and used passports under the names "Joyce Cohen" and "Sara Werberger." She also wrote that: "I have 2 Social Security numbers . . . Joyce Cohen and Sara Werberger [Werberger SSN], which was given to me by the Social Security Office. Joyce Ann Cohen [Cohen SSN]." The Werberger SSN was provided to COHEN by CC-1.

27. COHEN also admitted that she works as a nurse under the name "Sara Werberger" but receives social security benefits under the name "Joyce Cohen."

28. Following the interview, your deponent seized the Cohen Passport from the defendant along with three New York State identification cards – one that bears the name "Joyce Ann Cohen" and lists the Cohen Street Address, and two the bear the name "Sara Werberger." The photographs on all three of these identification cards appear to depict COHEN.

29. On or about July 6, 2016, COHEN submitted yet another application, under penalty of perjury, to the State Department for a new passport using the name “Joyce Ann Cohen” and the Cohen SSN. On this application, the Cohen P.O. Box (used in connection with the Wercberger Passport Application) appears to have been initially written on the application, crossed out, and then replaced by the Cohen Street Address. A photograph of COHEN was attached to this application. Additionally, in connection with this new application, COHEN falsely claimed that her passport was “lost in my house” on an unknown date. No passport has been issued in connection with this application.

#### IV. Theft of Federal Housing Subsidies

30. As set forth in greater detail below, there is probable cause to believe that the defendant JOYCE ANN COHEN, also known as “Sara Wercberger” and “Sarah Werczberger,” has fraudulently obtained approximately \$117,700 in Section 8 housing benefits to which she was not entitled.

##### A. The Section 8 Housing Subsidy Program

31. The NYCHA Section 8 Housing Choice Voucher Program (formerly, the NYCHA Section 8 Rental Assistance Program, hereinafter the “Section 8 Program”) is administered by NYCHA for the United States Department of Housing and Urban Development (“HUD”).

32. Low-income individuals who meet certain criteria eligibility requirements (a “Section 8 Recipient”) may be approved for rental assistance payments. These payments make up the difference between what the Section 8 Recipient can afford and the total rent charged by a particular landlord. HUD funds the Section 8 Program.

33. In order to receive benefits in the Section 8 Program, an applicant is required to complete a form certifying his or her annual income, assets, household composition, and income of household members, among other things. Persons who are accepted into the Section 8 Program are required by HUD to submit annually an Affidavit of Income to remain in the Section 8 Program. Like the initial application form, the Affidavit of Income form requires the applicant to certify, among other things, his or her annual income, assets, household composition, and income of household members.

34. Whether a person is entitled to Section 8 Program rental assistance payments and, if entitled, the amount of such payments, are based in part on the reported household income and composition.

B. The Defendant's Section 8 Program Benefits Theft and Fraud

35. The defendant JOYCE ANN COHEN, also known as "Sara Wercberger" and "Sarah Werczberger," has been a Section 8 Recipient since the early 1980's. Since that time, COHEN has been registered with HUD and NYCHA in the name "Joyce Cohen" and under the Cohen SSN.

36. From at least September 2004 until February 2017, COHEN has been a NYCHA tenant of record purportedly residing at the Cohen Street Address. During this same time period, COHEN received Section 8 Program subsidies in connection with the Cohen Street Address, located in Brooklyn, New York.

37. As a Section 8 Recipient, COHEN signed and submitted Affidavits of Income to NYCHA in connection with her lease of the Cohen Street Address. These affidavits were signed and submitted on an annual basis, as required, beginning no later than on or about April 21, 2006 and until, most recently, on or about May 24, 2016.

38. From 2006 through 2016, COHEN claimed that she had no household employment income on each of her Affidavits of Income. For many of the years during this same time period, COHEN was also required by NYCHA to sign and submit “Affidavits of Non-Employment” in connection with her annual Affidavits of Income. In each of her Affidavits of Non-Employment, COHEN claimed that she was not employed and had never been employed.<sup>9</sup>

39. However, as described above (see ¶ 13), COHEN has been a licensed and practicing registered nurse since approximately 1988 and, since in or about and between 2006 until the present, COHEN has been employed by the NYCHHC as a staff nurse at a Brooklyn-based hospital under the name “Sara Werczberger” and using the Werczberger SSN.

40. Based on NYCHHC employee wage statements and employment records, for the years 2006 through 2016, COHEN (under the name “Sara Werczberger”) earned more than \$590,000 in wages.

41. From my review of documents and records obtained by NYCHA-OIG, I have learned that COHEN would have been ineligible to receive the vast majority of Section 8 Program rental assistance payments that she received had she accurately reported her actual household income. Specifically, the Leased Housing Department of NYCHA calculated that, between October 2006 and November 2016, NYCHA paid to COHEN’s landlord of the Cohen Street Address, on behalf of the defendant, at least \$117,700 in HUD funds to which she was not entitled.

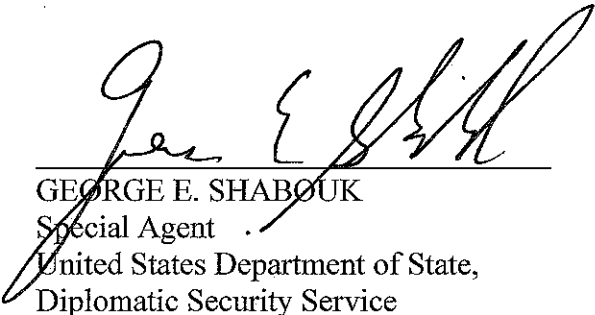
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<sup>9</sup> COHEN did report that she was receiving SSI benefits. However, as described above (see, ¶¶ 11-18) that income was fraudulently derived.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant JOYCE ANN COHEN, also known as "Sara Wercberger" and "Sarah Werczberger," so that she may be dealt with according to law.

IT IS FURTHER REQUESTED that, because public filing of this document at this time could result in a risk of flight by the defendant, as well as jeopardize the government's investigation, all papers submitted in support of this application, including the complaint and arrest warrant, be sealed until further order of the Court.

Dated: Brooklyn, New York  
February 8, 2017



GEORGE E. SHABOUK  
Special Agent  
United States Department of State,  
Diplomatic Security Service

Sworn to before me this  
8th day of February, 2017



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